

## **REMARKS/ARGUMENTS**

### **I. General Remarks and Remarks Regarding the Restriction Requirement**

Applicants respectfully request that the above amendments be entered and further request reconsideration of the application in view of the amendments and the remarks contained herein.

On November 29, 2005, during a telephone conversation with the Examiner, claims 31-46 were provisionally elected in response to the Examiner's restriction requirement. This provisional election is hereby confirmed and claims 1-30 have been cancelled. Applicants respectfully reserve the right to present the cancelled claims in one or more continuing applications.

### **II. Disposition of the Claims**

Claims 1-46 were pending in this application. Claims 1-30 have been cancelled herein. Claims 32-35, and 39-46 have been amended. All the above amendments are made in a good faith effort to advance the prosecution on the merits of this case.

Applicants reserve their rights to take up prosecution on the claims as originally filed in this or an appropriate continuation, continuation-in-part, or divisional application. Applicants respectfully submit that all the pending claims are in condition for allowance.

### **III. Objections to the Specification and Claims**

The Examiner has objected to the Abstract of the Disclosure because the term "the present invention" is stated in lines 1, 3, 4, and 10. (Office Action, page 4.) Applicants have amended the abstract per the Examiner's suggestions.

The Examiner has objected to claims 35, 39, 42, 45, and 46 because of informalities. (Office Action, page 4.) Applicants have amended these claims and submit that these claims are in condition for allowance.

### **IV. Remarks Regarding the Rejections of Claims 31-33, 37, and 38 Under 35 U.S.C. § 102(b) and § 103(a)**

The Examiner has rejected claims 31-33, 37, and 38 under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 4,127,173 issued to Watkins *et al.* (hereinafter "*Watkins*").

With respect to claims 31-33, 37, and 38, the Examiner states:

Watkins *et al.* discloses a method of gravel packing that includes a method of installing a gravel pack in a well bore

comprising the steps of: providing resin coated particulates wherein the resin comprises a resin that does not completely cure unless it is at least one of: exposed to a temperature above about 175°F or exposed to an external catalyst; providing a gravel packing fluid; substantially slurring the resin coated particulates in the gravel packing fluid to create a resin coated particulate slurry wherein the slurry is capable of being stored for at least 2 hours (long periods of time) before use; introducing the resin coated particulate mixture to the well bore such that the resin coated particulates form a gravel pack substantially adjacent to the well bore; and allowing the resin coated particulates to substantially cure. The reference does not explicitly teach storing the composition for 2 hours, however the reference does teach the composition being capable of being stored for long periods of time. (col. [sic]. It is considered an obvious expedient to store the composition for the amount of time necessary prior to placing the composition downhole. The term “long periods of time,” when considered in this context, may inherently mean greater than 2 hours. Therefore, it would have been considered obvious to one of ordinary skill in the art at the time the invention was made to have stored the composition for at least 2 hours.

With respect to the depending claims, the reference teaches the limitations as claimed, including high temperature curable resins, a silane coupling agent, temperatures above 175°F, and placing a catalyst after-flush in the well.

(Office Action, page 5.) Applicants respectfully disagree, and submit that the Examiner has not shown that *Watkins* discloses or suggests every element as recited in claims 31-33, 37, and 38 as required to anticipate the claims under 35 U.S.C. § 102(b), or to obviate the claims under 35 U.S.C. § 103(a). MANUAL OF PATENT EXAMINING PROCEDURE § 2131, 2142 (2004) (hereinafter “MPEP”).

In particular, Applicants’ independent claim 31 recites “substantially slurring the resin coated particulates in the gravel packing fluid to create a resin coated particulate slurry wherein the slurry is capable of being stored for at least 2 hours before use.” Rather than disclosing a particulate slurry that is capable of being stored for at least 2 hours before use, *Watkins* discloses that resin coated particulates may be stored “for relatively long periods of time.” See *Watkins*, col. 3, lines 25-34. Accordingly, *Watkins* does not disclose or suggest “substantially slurring the resin coated particulates in the gravel packing fluid to create a resin coated particulate slurry wherein the slurry is capable of being stored for at least 2 hours before use” as recited in independent claim 31.

Therefore, Applicants assert that independent claim 31 is not anticipated or obviated by *Watkins*. Moreover, since “a claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers,” and since claims 32-33, and 37-38 depend, either directly or indirectly, from claim 31, these dependent claims are allowable for at least the same reasons. *See* 35 U.S.C. § 112 ¶ 4 (2004). Accordingly, Applicant respectfully requests the withdrawal of these rejections.

**V. Remarks Regarding the Rejection of Claims 31-33, 35, 37, and 40-42 Under 35 U.S.C. § 102(e)**

The Examiner has rejected claims 31-33, 35, 37, and 40-42 under 35 U.S.C. § 102(e) as being anticipated by Justus et al. (2005/0006095) (hereinafter the ‘095 Application). (Office Action, page 6.) With respect to the ‘095 Application, the Examiner has stated:

Justus et al. ‘095 discloses a method that includes a method of gravel packing that includes a method of installing a gravel pack in a well bore comprising the steps of: providing resin coated particulates wherein the resin comprises a resin that does not completely cure unless it is at least one of: exposed to a temperature above about 175°F or exposed to an external catalyst; providing a gravel packing fluid; substantially slurrying the resin coated particulates in the gravel packing fluid to create a resin coated particulate slurry wherein the slurry is capable of being stored for at least 2 hours before use; introducing the resin coated particulate mixture to the well bore such that the resin coated particulates form a gravel pack substantially adjacent to the well bore; and allowing the resin coated particulates to substantially cure. With respect to the depending claims, the reference teaches the limitations as claimed, including high temperature curable resins, a silane coupling agent, a fracturing fluid, and temperatures above 175°F. With respect to claim 40, the reference discloses a method of installing a gravel pack in a well bore comprising the steps of providing tackifyer coated particulates; providing a gravel packing fluid; substantially slurrying the tackifyer coated particulates in the gravel packing fluid to create a tackifyer coated particulate slurry wherein the slurry is capable of being stored for at least 2 hours before use; introducing the tackifyer coated particulate mixture to the well bore such that the tackifyer coated particulates form a gravel pack substantially adjacent to the well bore. With respect to the depending claims, the reference teaches the limitations as claimed, including a resin tackifyer and a fracturing fluid.

(Office Action, page 6-7.)

To anticipate a claim, a reference must teach or suggest each and every claim limitation. MPEP § 2131. However, the '095 Application does not teach or suggest each and every limitation of claims 31-33, 35, 37, and 40-42. Specifically, the '095 Application does not teach or suggest the step of "substantially slurring the...coated particulates in the gravel packing fluid to create a...coated particulate slurry wherein the slurry is capable of being stored for at least 2 hours before use."

In view of the above, the '095 Application fails to teach or suggest all of the elements in independent claims 31 and 40; thus, these claims are patentable over the '095 Application. Moreover, since "a claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers," and since claims 32-33, 35, 37, and 41-42 and depend, either directly or indirectly, from claims 31 or 40, these claims are allowable for at least the same reasons. *See* 35 U.S.C. § 112 ¶ 4 (2004). Accordingly, withdrawal of this rejection is respectfully requested.

#### **IV. Remarks Regarding Allowable Subject Matter**

Claims 34, 36, 39 and 43-46 are objected to as being dependent upon a rejected base claim. As claims 34, 36, 39 and 43-46 only depend, either directly or indirectly, from claims 31 and 40, and those claims have been shown herein to be allowable, dependent claims 34, 36, 39 and 43-46 are similarly allowable.

**SUMMARY**

In light of the above remarks, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections. Applicants further submit that the application is now in condition for allowance, and earnestly solicit timely notice of the same. Should the Examiner have any questions, comments, or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the attorney of record by telephone, facsimile, or electronic mail.

Applicants believe that no additional fees are due in association with the filing of this Response. However, should the Commissioner deem that any additional fees are due, including any fees for extensions of time, the Commissioner is authorized to debit the Deposit Account of Halliburton Energy Services, Inc., No. 08-0300, for any underpayment of fees that may be due in association with this filing.

Respectfully submitted,



---

Robert A. Kent  
Registration No. 28,626  
Halliburton Energy Services, Inc.  
2600 South Second Street  
P.O. Drawer 1431  
Duncan, OK 73536-0440  
Telephone: 580-251-3125

Date: February 22, 2006